

REMARKS/ARGUMENTS

The Examiner states that the inventions of Groups I and II are related as product and process of use under M.P.E.P. § 806.05(h) and that the process, as claimed, can be practiced with another materially different product, such as one that does not require ammonium salt and the product, as claimed, can be used in a materially different process, such as polishing a material that does not have the claimed films.

However, the Examiner supplies no reasoning to support the position that the use of a product having only an inorganic acid salt and abrasive grains dispersed in an aqueous medium may be used in a chemical mechanical polishing process, nor does the Examiner give any reasons to support the position that the product may be used in a chemical mechanical polishing process for polishing a surface having a film or films different from those of the process of Group II. Since the requirements of M.P.E.P. § 806.05(h) have not been met, it is requested that the claims of Groups I and II be rejoined and examined in the present application.

Further, Applicants traverse the Restriction Requirement on the grounds that thousands of U.S. patents have issued in which many more than two subclasses have been searched, and the Patent and Trademark Office cannot reasonably assert that a serious burden exists in searching only two subclasses.

Application No. 10/694,890
Reply to Restriction Requirement of October 18, 2004

Accordingly, for the reasons presented above, it is submitted that the Patent and Trademark Office has failed to meet the requirements necessary to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,

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